



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
290 BROADWAY  
NEW YORK, NEW YORK 10007-1866

258008



AUG - 4 1995

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

John G. Breem, Chairman of the Board  
Sherwin-Williams Company, Inc.  
101 Prospect Avenue, NW  
Cleveland, OH 44115-1075

Re: Route 561 Dump Site, (AKA: Gibbsboro Dump Site, Sherwin-  
Williams Disposal Site), Route 561 near Milford/Kresson  
Road, Borough of Gibbsboro, Camden County, New Jersey

Request for Information Pursuant to §104 of CERCLA, 42  
U.S.C. §9604

Dear Mr. Breem:

The U.S. Environmental Protection Agency ("EPA") is charged with responding to the release or threatened release of hazardous substances, pollutants and contaminants into the environment and with enforcement responsibilities under the Comprehensive Environmental Response, Compensation and Liability Act, as amended ("CERCLA"), 42 U.S.C. §§9601-9675.

Releases and threatened releases of hazardous substances into the environment have been documented by EPA at the "Route 561 Dump Site" or the "Site," located on Route 561 near Milford/Kresson Road in the Borough of Gibbsboro, Camden County, New Jersey. At this time, the Site consists of Block 18.07, Lot 9, and includes the area east of Route 561 (Haddonfield - Berlin Road), north of the White Sand Branch, west of Clement Lake, and south of Milford/Kresson Road. In response to the release of hazardous substances and the threat of future releases at this Site, EPA has spent, and anticipates additional expenditure of, public funds. These actions have been, and will continue to be, taken pursuant to CERCLA.

Following a request from the New Jersey Department of Environmental Protection, the EPA has been performing a removal site evaluation ("RSE") to determine whether any contamination detected at the Site would be eligible for a removal action under CERCLA. EPA has identified and documented releases and threatened releases of hazardous substances, pollutants, or contaminants, at Block 18.07, Lot 9 that are eligible for removal, which include, but may not be limited to: arsenic, lead, antimony, barium, cadmium, chromium, copper, and cyanide.

Based upon our evaluation of conditions at the Site, we believe that a "removal" action (as defined in Section 101(23) of CERCLA) is necessary. EPA expects this removal action to include, among other things, the securing, stabilizing, and removing of hazardous substances from the Site. This removal action is expected to commence shortly.

In order to enforce the provisions of CERCLA, EPA may, pursuant to Sections 104(e)(1) and 104(e)(2) of CERCLA, require parties to provide information relating to the materials generated, treated, stored or disposed of at or transported to a facility, the nature or extent of a release or threatened release of a hazardous substance, pollutant or contaminant at or from a facility, and the ability of a person to pay for or perform a cleanup.

Pursuant to the statutory provisions cited above, EPA hereby requires that you answer the questions in the attached "Request for Information." If your company has an EPA Identification Number, kindly enclose it in your response. The notarized signature of an officer or other responsible official of the company must appear on the enclosed "Certification of Answers to Request for Information," which must be attached to the response to this information request letter.

Your response to this Request for Information should be postmarked or received at EPA within 30 calendar days of your receipt of this letter and should be sent to:

Carl R. Howard, Esq.  
New Jersey Superfund Branch  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region II  
290 Broadway  
New York, NY 10007-1866

with a copy to:

Nick Magriples  
Removal Action Branch  
Emergency and Remedial Response Division  
U.S. Environmental Protection Agency, Region II  
2890 Woodbridge Avenue  
Edison, New Jersey 08837

Your failure to comply in all respects with this Request for Information within the time specified above may subject it to an enforcement action under Section 104(e)(5) of CERCLA. Such an enforcement action may include the assessment of penalties of up to \$25,000 per day for each day of continued noncompliance. Be advised that you are under a continuing obligation to supplement your response if information not known or not available to you and your company as of the date of the submission of your response should later become known or available to you or the company. If at any time in the future you or the company obtains

or becomes aware of additional information and/or finds that any portion of the submitted information is false, misleading, or misrepresents the truth, you must notify EPA. If any part of your response is found to be untrue, the signatory and the company may be subject to criminal prosecution.

This Request for Information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §§3501-3520.

Your company may, if it so desires, assert a business confidentiality claim covering all or part of the information requested by this letter. A business confidentiality claim may be asserted by including a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret", "proprietary", or "company confidential" with the information at the time it is submitted. Information covered by such a claim will be disclosed by EPA only in accordance with and by means of procedures set forth in 40 CFR Part 2, Subpart B, and Section 104(e)(7) of CERCLA. If you do not make such a claim when you submit your response to the attached Request for Information, your response may be made available to the public without further notice to you. You should read the above-cited statutory and regulatory provisions carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.

If you have any questions about this letter, you may contact Carl R. Howard at (212) 367-3216. Your cooperation is appreciated.

Sincerely yours,

*Kathleen C. Callahan*

Kathleen C. Callahan,  
Director, Emergency and Remedial Response Division

cc: Nick Magriples - EPA-RAB  
Carl R. Howard - EPA-ORC  
Eugene Dominach - EPA-RAB  
Susan Boyle - NJDEP ✓  
Jerri Weigand - NJDEP

Enclosure

INSTRUCTIONS FOR RESPONDING TO REQUEST FOR INFORMATION

A. Directions

1. A complete and separate response should be given for each question.
2. Identify each answer with the number of the question to which it is addressed.
3. For each document produced in response to this Request for Information, indicate on the document, or in some other reasonable manner, the question to which it applies.
4. In preparing your response to each question, consult with all present and former employees and agents of your company whom you have reason to believe may be familiar with the matter to which the question pertains.
5. In answering each question, identify each individual and any other source of information (including documents) that was consulted in the preparation of the response to the question.
6. If you are unable to give a detailed and complete answer, or to provide any of the information or documents requested, indicate the reason for your inability to do so.
7. If you have reason to believe that an individual other than one employed by your company may be able to provide additional details or documentation in response to any question, state that person's name, last known address, phone number and the reasons for your belief.
8. If a document is requested but not available, state the reason for its unavailability. To the best of your ability, identify the document by author, date, subject matter, number of pages, and all recipients of the document with their addresses.
9. If anything is omitted from a document produced in response to this Request for Information, state the reason for and the subject matter of the omission.

10. If you cannot provide a precise answer to a question, please approximate but, in any such instance, state the reason for your inability to be more specific.
11. Whenever this Request for Information requests the identification of a natural person, or other entity, the person or entity's full name and present or last known address also should be provided.

#### B. Definitions

1. As used herein, the terms "Route 561 Dump Site" or the "Site" shall refer to approximately three acres of property included in the area east of Route 561 (Haddonfield - Berlin Road), north of the White Sand Branch, west of Clement Lake, and south of Milford/Kresson Road, in the Borough of Gibbsboro, Camden County, New Jersey, and including the parcel identified on the municipal tax map in the Borough of Gibbsboro, Block 18.07, Lot 9.
2. As used herein, the term "hazardous substance" shall have the meaning set forth in Section 101(14) of CERCLA, 42 U.S.C. §9601(14). The substances which have been designated as hazardous substances pursuant to Section 102(a) of CERCLA (which, in turn, comprise a portion of the substances that fall within the definition of "hazardous substance" under Section 101(14) of CERCLA) are set forth at 40 CFR Part 302.
3. As used herein, the terms "hazardous waste," "disposal" and "storage" shall have the meanings set forth in Sections 1004(5), (3) and (33) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. §6903(5), (3) and (33), respectively.
4. As used herein, the term "industrial waste" shall mean any solid, liquid or sludge or any mixtures thereof which possess any of the following characteristics:
  - a. it contains one or more "hazardous substances" (at any concentration) as defined in 42 U.S.C. §9601(14);
  - b. it is a "hazardous waste" as defined in 42 U.S.C. §6903(5);
  - c. it has a pH less than 2.0 or greater than 12.5;
  - d. it reacts violently when mixed with water;
  - e. it generates toxic gases when mixed with water;
  - f. it easily ignites or explodes;
  - g. it is an industrial waste product;
  - h. it is an industrial treatment plant sludge or supernatant;

- i. it is an industrial byproduct having some market value;
  - j. it is coolant water or blowdown waste from a coolant system;
  - k. it is a spent product which could be reused after rehabilitation; or
  - l. it is any material which you have reason to believe would be toxic if either ingested, inhaled or placed in contact with your skin.
5. As used herein, the term "release" shall have the meaning set forth in Section 101(22) of CERCLA, 42 U.S.C. §9601(22), and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
6. As used herein, the "Sherwin-Williams Plant" shall refer to all operations in Voorhees, Lucaston and Gibbsboro, New Jersey relating to the Sherwin-Williams Company, Inc. and John Lucas Company facilities and to all predecessors in interest of "your Company" (as defined in paragraph 7, below) and all subsidiaries, divisions, affiliates and branches of your Company.
7. As used herein, the terms "the Company" and "your Company" refer not only to Sherwin-Williams Company, Inc. as it is currently named and constituted, but also to all predecessors in interest of Sherwin-Williams Company, Inc. and all subsidiaries, divisions, affiliates and branches of Sherwin-Williams Company, Inc.
8. All terms not defined herein shall have their ordinary meanings, unless such terms are defined in CERCLA or RCRA, in which case the statutory definitions apply.

REQUEST FOR INFORMATION

1.
  - a. State the correct legal name and mailing address of your Company.
  - b. State the name(s) and address(es) of the President and the Chairman of the Board, or other presiding officer of the Company.
  - c. State the legal form of business (e.g., corporation, partnership, etc.). Identify the state and date of incorporation of the Company and the Company's agents for service of process in the state of incorporation and in New Jersey State.
  - d. If your Company is a subsidiary or affiliate of another corporation or other entity, identify each of those other entities and those entities' presidents and Chairmen of the Board. Identify the state of incorporation and agents for service of process in the state of incorporation and in New Jersey State for each entity identified in your response to this question.
2. Identify all officers, directors, and shareholders of the Company from its inception to the present. For each individual identified provide the following:
  - a. the principle place of employment;
  - b. the position(s) held;
  - c. the period each position was held;
  - d. their responsibilities;
  - e. all changes in position or responsibilities;
  - f. the date the individual's interest in the business was acquired;
  - g. the value of the individual's interest in the business and the individual's percentage of the total value of the business;
  - h. all changes in the interest in the business; and,
  - i. the type of business conducted;
3. Describe in detail the nature of the Company's past manufacturing and formulating operations in Voorhees, Lucaston, and Gibbsboro, New Jersey. Describe in detail the processes used in the formulation and manufacture of the commercial and consumer products sold by John Lucas Company/Sherwin Williams Company, Inc. from 1920 until your Company ceased operations in this area. Provide maps, schematics, flow diagrams, facility diagrams or other representations indicating the specific locations of the

manufacturing, formulating, R&D, and process design operations in the Voorhees, Lucaston and Gibbsboro areas. Detail any major operational changes that occurred through those years that resulted in different product lines. Include a detailed discussion of the changes that occurred in the manufacturing process and the product line during the 1930s, around the time the John Lucas Company was purchased.

4. Provide a detailed list of raw materials used by your Company in its formulating and manufacturing operations in Voorhees, Lucaston, and Gibbsboro, New Jersey from 1920 until your Company ceased operations in this area. Provide documents in support of your list.
5. Provide a detailed list of products formulated and manufactured by your Company in Voorhees, Lucaston, and Gibbsboro, New Jersey from 1920 until your Company ceased operations in this area. Provide documents in support of your list.
6. Provide a list, description of, and detailed formulations for any pigments or coloring matter formulated and/or manufactured by your Company in Voorhees, Lucaston, and Gibbsboro, New Jersey from 1920 until your Company ceased operations in this area. Provide documents in support of your list.
7. Specifically discuss your Company's formulating and manufacturing processes used, during the period 1920 until your operations ended in Voorhees, Lucaston, and Gibbsboro, New Jersey, for Paris Green; Prussian, Chinese, and Milori Blue; Chrome Green; and Chrome Yellow, and any other pigments used in any type of mixtures or combinations, to produce these colors. Include all variations of the same pigment in this discussion. Provide the Colour Index constitution number, general formulas, composition, and physical characteristics for each of these materials. Provide the years that this material was formulated and manufactured, and specifically where (street name and address) in this area of New Jersey, as discussed above. What was typically done with off-specification, unusable residuals or wastes from these pigment formulating and manufacturing operations? If this typical disposition method was not available, where else were these materials used or taken to?
8. With regard to your Company's representative's first visit to the Site, state the purpose of the visit, identify all buildings or other locations visited, describe the physical characteristics of the Site and any observations during the visit, and identify all individuals who were present at the Site during the visit. Provide copies of all photographs



taken by you or on behalf of the Company in connection with the visit.

9. Was an environmental assessment or inspection ever conducted of the Site by your Company? If yes, please provide a copy of all relevant documents.
10. From whom was the Site purchased?
11. Provide copies of all documents relating to and confirming this transaction(s).
12. Identify all individuals who acted on behalf of the Company in connection with the purchase of the Site, and further describe the involvement of, and actions taken by, each individual.
13. Provide copies of all documents relating to and confirming the Company's past ownership of the Site.
14. Did the Company pay property taxes in connection with the Site? If so, provide all relevant documentation.
15. Did the Company pay any other taxes with respect to the Site? If so, provide all relevant documentation.
16. Provide copies of all past and present leases with respect to the Site.
17. Did the Company notify any other federal, state, county or town regulator that it sold the Site? If yes, identify all regulators notified, state the dates of all notifications and provide copies of all documents pertaining to each notification.
18. Were any real estate brokers involved in selling the Site, or any portion of the Site? If yes, identify all brokers and provide copies of all documents relating to their involvement.
19. Did any individuals involved in the sale of the Site make any representations concerning the physical characteristics of the Site including the land and the soil? If yes, describe all representations made and provide all relevant documents.
20. Describe the sale of the Site to each and every purchaser of what is now known as Block 14.02, Lot 1; Block 18.07, Lot 9; Block 18.07, Lot 10; and Block 18.07, Lot 11.
21. Was anyone at your Company aware at any time between the date of purchase and the date of sale of the Site that

hazardous chemicals were present at the Site? If so, please state the date, nature and extent of your Company's knowledge.

22. Has there ever been a release (see Definitions above) of any hazardous substance (see Definitions above) at the Site? If yes, state the date of the release, identify the material released, the location of the release, and the quantity of the material released.
23. Were petroleum sheens or other indications of chemical releases observed during your ownership of the property. If so, describe.
24.
  - a. List all hazardous substances, hazardous wastes, process residuals and industrial wastes that were used, stored, generated or handled by your Company at the Sherwin-Williams Plant, including, but not limited to, arsenic, barium, cadmium, chromium, copper, cyanide, lead, nickel, and zinc.
  - b. State when each hazardous substance, hazardous waste, process residual and industrial waste identified in your response to question 24.a., above, was used, stored, generated or handled at the Sherwin-Williams Plant and state the volume of each hazardous substance, hazardous waste and industrial waste used, stored, generated or handled on an annual basis.
  - c. Describe the activity, activities, and processes in which each material identified in your response to question 24.a., above, was used, stored, generated and/or handled.
  - d. Was any of the hazardous substance, hazardous waste, process residuals, or industrial waste used, stored, generated or handled at the Sherwin-Williams Plant ever deposited or otherwise transported to the Site?
25. Describe in detail how and where any hazardous substances, hazardous wastes, process residuals and industrial wastes that were used, generated or otherwise handled by your Company at the Sherwin-Williams Plant were stored there prior to disposal. For what period of time and in what quantities were these materials stored or otherwise kept at the Sherwin-Williams Plant.
26.
  - a. What did your Company do with the hazardous wastes, hazardous substances, process residuals, and industrial wastes (including any sludges, paint residue and paint-related wastes generated at the Sherwin-Williams Plant) that it used, stored, generated or otherwise handled at

the Sherwin-Williams Plant after your Company was finished with them? Describe in detail how and where the hazardous substances, hazardous wastes, process residuals and industrial wastes that were used, stored, generated or otherwise handled were disposed. For each disposal location and method, state the nature and quantity of the material disposed of on an annual basis.

- b. If any hazardous substances, hazardous wastes, process residuals or industrial wastes ever were taken off your Company's property for disposal or treatment, state the names and addresses of the waste hauler or other transporters and disposal facilities used and the period during which each such transporter and disposal facility was used. List all material removed, the total volume or weight removed, the dates removed, and provide all documents confirming or relating to off-site disposal, including, but not limited to, hazardous waste manifests and contracts for disposal. If you are unaware of the ultimate disposal location of any of the hazardous substances, hazardous wastes, process residuals or industrial wastes that were removed from the property, state the nature and quantity of the particular materials in question and the names and addresses of the companies or individuals who removed the materials from the property.
- c. Were any hazardous substances, hazardous wastes, process residuals or industrial wastes ever disposed of by your Company, or any of its officers, employees, agents or representatives, or anyone else, at the Company, either intentionally or unintentionally? Your answer to this question should address, but not be limited to, instances where hazardous substances, hazardous wastes, process residuals, or industrial wastes were spilled or otherwise disposed onto the ground from drums, tanks, or any other containers, as well as instances where drums or other containers containing any volume whatsoever of hazardous substances, hazardous wastes, process residuals or industrial wastes were left on or in the ground at the Site for more than six months. For each disposal identified in your response to this question:
  - i. Identify the locations at the Site where such disposal occurred and mark all such locations on a Site Map;
  - ii. State the periods during which such disposal occurred at each area identified in your response to question 26.c.i., above;

- iii. Identify each of the materials disposed of at the Site, including the chemical content, characteristics, and form (solid, liquid, sludge or gas) of the material;
  - iv. Describe the method of disposal used;
  - v. Describe how the material was containerized (if at all) at the time of the disposal; and
  - vi. State the quantity of each such material that was disposed of at the Site.
  - vii. Did your Company ever provide any cover material (e.g. soil) for any portion of the Site either prior to, or subsequent to, the sale by your Company of the Site? If so, provide a narrative description.
27. Did your Company or any of its agents, representatives, officers or employees ever enter into contracts or other arrangements of any kind relating to the treatment or disposal of hazardous substances, hazardous wastes, process residuals or industrial wastes from the Sherwin-Williams Plant? If so, describe in detail the nature of all such arrangements, with whom they were made, the nature and volume of substances involved, and the period during which such arrangements were in effect. Identify all companies and individuals/employees of your Company who participated in any of these arrangements or in the generation, transportation, treatment or disposal of the hazardous substances, hazardous wastes, process residuals and industrial wastes.
28. State the names, telephone numbers and present or last known addresses of all individuals whom you have reason to believe may have knowledge, information or documents regarding the use, storage, disposal, generation or handling of hazardous substances, hazardous wastes, process residuals or industrial wastes at the Sherwin-Williams Plant, and at the Site, the transportation of such materials to the Site, or the identity of any companies whose material may have been treated or disposed of at the Site.
29. In addition to the documents requested above, please provide copies of the following:
- a. All contracts and agreements and all other records relating to any transactions or arrangements between your Company and any of the parties named in your responses to questions 26, and 27, above;

- b. All insurance policies and indemnification agreements held or entered into by your Company or its parent corporation(s), subsidiary or subsidiaries which arguably could indemnify any of these companies against any liability which such companies may have under CERCLA for releases and threatened releases of hazardous substances at and from the Sherwin-Williams Plant, or the Site. In response to this request, please provide not only those insurance policies and agreements which currently are in effect, but also those which were in effect during the period(s) when any hazardous substances, hazardous wastes, process residuals, or industrial wastes may have been released or threatened to be released into the environment at or from the Sherwin-Williams Plant, or the Site;
  - c. All records relating to any releases of hazardous substances, hazardous wastes, process residuals or industrial wastes at the Site;
  - d. All permits, including State Pollution Discharge Elimination System ("SPDES") or other discharge permits, which your Company secured for purposes of conducting business at the Sherwin-Williams Plant;
  - e. All analyses, characterizations, or other descriptions of any of the hazardous substances, hazardous wastes, process residuals or industrial wastes deposited or otherwise conveyed to the Site; and,
  - f. All waste manifests, invoices or other documents (including, but not limited to, log books and relevant notes) relating to the disposal of the hazardous substances, hazardous wastes, process residuals or industrial wastes deposited or otherwise conveyed to the Site.
30. Identify all individuals that managed or controlled the day-to-day operations of the Sherwin-Williams Plant, and describe their involvement. In addition, please state who managed or controlled the day-to-day operations of the Company at the Site.
31. Did the Company ever obtain any real estate appraisal for the Site? If yes, provide a copy of each such appraisal.
32. Did the Company, at any time, attempt to obtain a change in zoning or obtain any variance with respect to the Site? If yes, provide copies of documents that relate to the zoning of the Site and any proposed variance.

33. Did the Company, or any other entity, ever conduct any soil-moving activities or filling at the Site? If so, describe and provide all relevant documents.
34. Did any government agency ever conduct any environmental investigations or cleanups at the Site? If so, describe, including the date of such activities and the date of your knowledge of these activities.
35. Provide copies of all documents in your possession regarding Site contamination and/or sampling results, including, but not limited to, all documents to or from engineering or environmental consultants.
36. Were any hazardous substances generated or removed from the Site by a government agency, your Company or any other company? If so, describe and provide all relevant documents.
37. Has the Site, or any portion of the Site, been the subject of any inspection by any Town, County or State regulatory agencies concerning fire, safety, health, or occupational matters? If yes, describe each such inspection and provide copies of all relevant documents.
38. Provide copies of all maps or other depictions of the Site and any photographs in your possession that depict the Site.
39. Has the Company expended any money for investigation or cleanup of hazardous substances at the Site? If yes, describe each activity conducted, state the costs incurred for each activity, and provide all relevant documents.
40. Please identify any other entities that have owned or conducted operations at the Site and provide any documents pertaining to such ownership or operation. For each entity, further identify the dates of their involvement at the Site, the nature of their involvement at the Site, and all evidence that hazardous substances, hazardous wastes, process residuals or industrial wastes were released or threatened to be released at the Site during the period which they owned or operated the Site.
41. State the name, address, telephone number, title and occupation of each person answering this Request for Information and state whether such person has personal knowledge of the answers. In addition, identify each person who assisted or was consulted in the preparation of this Request for Information.